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8  
9 **BEFORE THE**  
**VETERINARY MEDICAL BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. IV 2016 9

13 **JEFFREY JACOB HARE**

**STATEMENT OF ISSUES**

14 **Veterinarian License Applicant**

15 **Respondent.**

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Annemarie Del Mugnaio.(Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Executive Officer of the Veterinary Medical Board, Department of  
21 Consumer Affairs.

22 2. On February 17, 2015, the Veterinary Medical Board, Department of Consumer  
23 Affairs received an application for a Veterinarian License from Jeffrey Jacob Hare (Respondent).  
24 On February 12, 2015, Jeffrey Jacob Hare certified under penalty of perjury to the truthfulness of  
25 all statements, answers, and representations in the application. The Board denied the application  
26 on September 2, 2015.

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## JURISDICTION

3. This Statement of Issues is brought before the Veterinary Medical Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4810 of the Code states:

(a) As used in this chapter:

(1) "Board" means the Veterinary Medical Board.

(2) "Multidisciplinary committee" means the Veterinary Medicine Multidisciplinary Advisory Committee established pursuant to Section 4809.8.

(3) "Regulations" means the rules and regulations set forth in Division 20 (commencing with Section 2000) of Title 16 of the California Code of Regulations.

(b) This section shall become operative on the July 1 following the initial appointment of a registered veterinary technician to the board.

## STATUTORY PROVISIONS

5. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

....

(2) Conviction of a crime.

....

6. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

....

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

1  
2 (b) Notwithstanding any other provision of this code, a person shall  
3 not be denied a license solely on the basis that he or she has been convicted of a  
4 felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5  
5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that  
6 he or she has been convicted of a misdemeanor if he or she has met all applicable  
7 requirements of the criteria of rehabilitation developed by the board to evaluate  
8 the rehabilitation of a person when considering the denial of a license under  
9 subdivision (a) of Section 482.

10 (c) Notwithstanding any other provisions of this code, a person shall  
11 not be denied a license solely on the basis of a conviction that has been dismissed  
12 pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant  
13 who has a conviction that has been dismissed pursuant to Section 1203.4,  
14 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

15 (d) A board may deny a license regulated by this code on the ground  
16 that the applicant knowingly made a false statement of fact that is required to be  
17 revealed in the application for the license.

18 7. Section 482 of the Code states:

19 Each board under the provisions of this code shall develop criteria to  
20 evaluate the rehabilitation of a person when:

21 (a) Considering the denial of a license by the board under Section 480;  
22 or

23 Each board shall take into account all competent evidence of rehabilitation  
24 furnished by the applicant or licensee.

25 8. Section 493 of the Code states:

26 Notwithstanding any other provision of law, in a proceeding conducted by  
27 a board within the department pursuant to law to deny an application for a license  
28 or to suspend or revoke a license or otherwise take disciplinary action against a  
person who holds a license, upon the ground that the applicant or the licensee has  
been convicted of a crime substantially related to the qualifications, functions, and  
duties of the licensee in question, the record of conviction of the crime shall be  
conclusive evidence of the fact that the conviction occurred, but only of that fact,  
and the board may inquire into the circumstances surrounding the commission of  
the crime in order to fix the degree of discipline or to determine if the conviction  
is substantially related to the qualifications, functions, and duties of the licensee in  
question.

As used in this section, 'license' includes "certificate," "permit,"  
"authority," and "registration."

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1           9.     Section 4883 of the Code in pertinent part states:

2                 The board may deny, revoke, or suspend a license or registration or assess  
3                 a fine as provided in Section 4875 for any of the following:

4                 (a)     Conviction of a crime substantially related to the qualifications,  
5                 functions, or duties of veterinary medicine, surgery, or dentistry, in which case the  
6                 record of the conviction shall be conclusive evidence.

7                 (g)     Unprofessional conduct, that includes, but is not limited to, the  
8                 following:

9                     (1) Conviction of a charge of violating any federal statutes or rules  
10                     or any statute or rule of this state regulating dangerous drugs or controlled  
11                     substances. The record of the conviction is conclusive evidence thereof. A plea or  
12                     verdict of guilty or a conviction following a plea of nolo contendere is deemed to  
13                     be a conviction within the meaning of this section. The board may order the  
14                     license or registration to be suspended or revoked, or assess a fine, or decline to  
15                     issue a license or registration, when the time for appeal has elapsed, or the  
16                     judgment of conviction has been affirmed on appeal or when an order granting  
17                     probation is made suspending the imposition of sentence, irrespective of a  
18                     subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code  
19                     allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
20                     guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
21                     information, or indictment.

22                     (2) (A) The use of or prescribing for or administering to himself or  
23                     herself, any controlled substance.

24                     (B) The use of any of the dangerous drugs specified in Section  
25                     4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous  
26                     or injurious to a person licensed or registered under this chapter, or to any other  
27                     person or to the public, or to the extent that the use impairs the ability of the  
28                     person so licensed or registered to conduct with safety the practice authorized by  
                    the license or registration.

                    (C) The conviction of more than one misdemeanor or any  
                    felony involving the use, consumption, or self-administration of any of the  
                    substances referred to in this section or any combination thereof, and the record of  
                    the conviction is conclusive evidence.

                    A plea or verdict of guilty or a conviction following a plea of nolo  
                    contendere is deemed to be a conviction within the meaning of this section. The  
                    board may order the license or registration to be suspended or revoked or assess a  
                    fine, or may decline to issue a license or registration, when the time for appeal has  
                    elapsed or the judgment of conviction has been affirmed on appeal or when an  
                    order granting probation is made suspending imposition of sentence, irrespective  
                    of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code  
                    allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
                    guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
                    information, or indictment.

10. Section 4885 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense related to the practice of veterinary medicine or the practice of a veterinary technician is deemed to be a conviction within the meaning of this article. The board may order the license or registration to be suspended or revoked, or assess a fine as provided in Section 4883 or may decline to issue a license or registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

### REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 2040 states:

For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapter 11 of Division 2 of the code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 11, Division 2 of the code.

(b) Conviction of a crime involving fiscal dishonesty.

12. California Code of Regulations, title 16, section 2041 in pertinent part states:

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

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1 (4) The extent to which the applicant has complied with any terms  
2 of parole, probation, restitution, or any other sanctions lawfully imposed against  
the applicant.

3 (5) Evidence, if any, of rehabilitation submitted by the applicant.  
4 .....

5 **FIRST CAUSE FOR DENIAL OF APPLICATION**

6 **(October 25, 2011 Conviction for Driving with a BAC of .08% or More on July 13, 2011)**

7 13. Respondent's application for a Veterinarian License is subject to denial under  
8 Code sections 480, subdivision (a)(1) and 4883, subdivision (a), in that he was convicted of a  
9 crime that is substantially related to the qualifications, duties, and functions of a licensed  
10 veterinarian. The circumstances are as follows:

11 a. On October 25, 2011, in a criminal proceeding entitled *The People of the*  
12 *State of California v. Jeffrey Jacob Hare*, in San Luis Obispo County Superior Court, San Luis  
13 Obispo Branch, Case Number M463000, Respondent was convicted on his plea of no contest to  
14 violating Vehicle Code (VC) section 23152, subdivision (b), driving with a blood alcohol  
15 concentration (BAC) of 0.08 percent or more, a misdemeanor. A misdemeanor charge for  
16 violation of VC section 23152, subdivision (a), driving while under the influence of alcohol  
17 (DUI), was dismissed under a plea bargain.

18 b. As a result of the conviction, on October 25, 2011, Respondent was  
19 sentenced to one day in the San Luis Obispo County Jail, with credit for one day served.  
20 Respondent was granted informal probation for three years, under certain terms and conditions,  
21 and ordered to pay a fine. Respondent was also ordered to attend alcoholics anonymous meetings  
22 and successfully complete a three-month DUI first offender program.

23 c. The circumstances that led to the convictions are that on July 13, 2011,  
24 while driving in San Luis Obispo, California, Respondent entered a designated bike lane and  
25 crossed a solid white line. When Respondent made a sharp turn at a high rate of speed, a  
26 California Highway Patrol officer, who had been observing Respondent, initiated an enforcement  
27 stop. Upon initial contact, the apprehending officer noticed Respondent's unsteady gait, slurred  
28 speech, bloodshot and watery eyes, and odor of alcohol. Respondent admitted to drinking alcohol

1 and feeling its effects. Respondent provided two breath samples for a preliminary alcohol screen,  
2 which both indicated a BAC of 0.10 percent.

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**

4 **(March 26, 2013 Conviction for Driving with a BAC of .08% or More on Dec. 22, 2012)**

5 14. Respondent's application for a Veterinarian License is subject to denial under  
6 Code sections 480, subdivision (a)(1) and 4883, subdivision (a), in that he was convicted of a  
7 crime that is substantially related to the qualifications, duties, and functions of a licensed  
8 veterinarian. The circumstances are as follows:

9 a. On March 26, 2013, in a criminal proceeding entitled *The People of the*  
10 *State of California v. Jeffrey Jacob Hare*, in Yolo County Superior Court, Main Courthouse,  
11 Case Number 13000880, Respondent was convicted on his plea of guilty of violating VC section  
12 23152, subdivision (b), driving with a BAC of 0.08 percent or more, a misdemeanor. Respondent  
13 admitted and the court found true the allegation that at the time of violation of VC section 23152,  
14 subdivision (b), his BAC was .15 percent or more, a sentencing enhancement under VC section  
15 23578. A misdemeanor charge for violation of VC section 23152, subdivision (a), DUI of  
16 alcohol, with a similar enhancement, was dismissed under a plea bargain.

17 b. As a result of the conviction, on March 26, 2013, Respondent was  
18 sentenced to 10 days in the Yolo County Jail and granted summary probation for 48 months  
19 under standard alcohol conditions. Respondent was ordered to pay fines and attend and  
20 successfully complete a 18-month DUI multiple offender program. Respondent was also ordered  
21 to install an ignition interlock device on any vehicle he would own or operate for a period of two  
22 years.

23 c. The circumstances that led to the conviction are that on December 22,  
24 2012, Respondent was found unconscious in the driver's seat of a vehicle that was stuck in a field  
25 at the deadend of Marshall Road in West Sacramento, California. Upon initial contact, the officer  
26 from the West Sacramento Police Department observed that Respondent was confused, his breath  
27 smelled of alcohol, he had slow coordination, his face was flushed, his eyes watery and  
28 bloodshot, and his speech slurred. Respondent admitted to driving the vehicle. Due to

1 Respondent's level of intoxication, he was unable to perform a series of field sobriety tests.  
2 Respondent provided two breath samples for a preliminary alcohol screen, which both indicated a  
3 BAC of 0.17 percent.

4 **THIRD CAUSE FOR DENIAL OF APPLICATION**

5 **(Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)**

6 15. Respondent's application for a Veterinarian License is subject to denial under  
7 Code sections 480, subdivision (a)(3)(a) and 4883, subdivision (g)(2)(B), in that on July 13, 2011  
8 and December 22, 2012, as described in paragraphs 13 and 14, above, he used alcoholic  
9 beverages to an extent or in a manner that was dangerous and injurious to himself and to the  
10 public when he operated a motor vehicle with a significantly high BAC.

11 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

12 **(Unprofessional Conduct – Conviction of More Than One Misdemeanor Involving the**  
13 **Consumption of Alcoholic Beverages)**

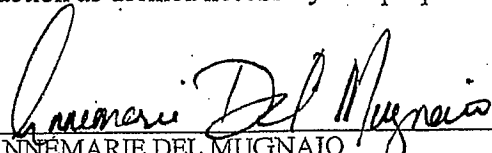
14 16. Respondent's application for a Veterinarian License is subject to denial under  
15 Code sections 480, subdivision (a)(3)(a) and 4883, subdivision (g)(2)(C) in that on October 25,  
16 2011 and March 26, 2013, as described in paragraphs 13 and 14, above, Respondent was  
17 convicted of more than one misdemeanor involving the consumption of alcoholic beverages.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
20 alleged, and that following the hearing, the Veterinary Medical Board issue a decision:

- 21 1. Denying the application of Jeffrey Jacob Hare for a Veterinarian License; and  
22 2. Taking such other and further action as deemed necessary and proper.

23  
24 DATED: October 27, 2015

  
ANNEMARIE DEL MUGNAIO  
Executive Officer  
Veterinary Medical Board  
Department of Consumer Affairs  
State of California  
Complainant

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